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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,341

Applicant(s)

PEPLINSKI, NEIL

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6, 9-12 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Heald et al. US 5,272,382.

1.1 Regarding claim 1, Heald discloses a power supply system in figures 1-4, comprising:

one or more batteries 100 (figure 4; column 1, lines 16-24; column 13, lines 61-68; column 14, lines 1-16);

one or battery charging circuits (figure 4, battery charge indicator) to maintain each battery in a charged mode (Abstract; column 12, lines 11-17; column 21, lines 52-68; column 22, lines 1-9);

a modem 84 (telephone line interface) for automatically dialing out a predetermined telephone number over a telephone network (column 4, lines 54-68; column 8, lines 21-28);

a voice synthesis logic 82 for prerecording one or more telephone messages and for playing one or more stored telephone messages (column 11, lines 23-38);

monitor device 86 for sensing battery voltage (column 12, lines 63-67; column 12, lines 34-39, 58-67); and

a control processor 68 operatively connected to modem 84, voice synthesis logic 82 and monitor device 86 (figure 4; column 11, lines 23-41).

1.2 Regarding claim 2, Heald teaches that a host DC power supply to computer/server 12 falls below a predetermined threshold, processor 68 actuate modem 84 to dial out a stored telephone number, and to deliver a stored telephone message (column 13, lines 61-68; column 11, lines 23-41; column 8, lines 21-28; column 7, lines 48-63).

1.3 Regarding claim 3, Heald teaches that pre-recorded voice messages are stored in voice synthesis logic 82, which inherently comprises non-volatile memory (ROM or RAM with battery backup) for storing said messages.

1.4 Regarding claim 6, Heald teaches dialing a telephone number (column 8, lines 21-28; column 11, lines 38-41), which is inherently stored in a non-volatile memory.

1.5 Regarding claim 9, Heald teaches a voltage divider comprising resistors 38 and 39 (figure 8; column 18, lines 24-38).

1.6 Regarding claims 10-12, Heald teaches charging a battery at different voltage and current (column 21, lines 52-68; column 22, lines 1-9).

1.7 Regarding claim 28, Heald discloses method for a power supply. Heald teaches: monitoring the condition of a power source (column 6, lines 53-68; column 7, lines 1-2); detecting if a voltage drop (defective) (column 6, lines 67-68; column 7, lines 1-1); initiating a telephone line interface (column 7, lines 48-63; column 9, lines 35-43); dialing a stored telephone number (column 7, lines 17-28); and transmitting a stored message (column 11, lines 23-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heald et al. US 5,272,382 in view of Afshar et al. US 5,313,516.

2.1 Regarding claims 4 and 5, Heald teaches recording voice messages into voice synthesis logic 82 associated with control processor 68, but fails to teach using a microphone for recording and a speaker for playing back a recorded message.

However, Afshar discloses a telephone answering device with a processor 10 in figure 1. Afshar teaches using microphone 19 for recording a message, and speaker 26 for playing a recorded message (column 4, lines 1-4, 20-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Heald's reference with the teaching of Afshar, so that a microphone and a speaker would have been included, because such a modification would have clarified the teaching of Heald of through which a voice messages was recorded and edited (re-recording if not satisfied after playback).

2.2 Regarding claims 7 and 8, Heald teaches dialing a telephone number from a memory, but fails to teach using a keypad to enter the telephone number.

However, Afshar discloses a telephone answering device (TAD) with a processor 10 in figure 1. Afshar teaches storing a voice message and forwarding said voice message to a telephone number stored in a memory (column 5, lines 47-52, 67-78; column 6, lines 1-15), and using keypad 28 for manual operation of the TAD, which inherently including entering a telephone number (column 4, lines 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Heald's reference with the teaching of Afshar, so that a keypad would have been included, because such a modification would have clarified the teaching of Heald of through which a telephone number was recorded.

3. Claims 13-15, 18, 21-24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Mercadante et al. US 5,889,465 and further in view of Heald et al. US 5,272,382.

3.1 Regarding claim 13, Furst discloses backup battery power to a garage door operating system in figure 1, comprising:

an garage door operating system 20 (column 1, lines 17-27) which inherently includes an electric motor for opening/closing the garage door, a transmission connected to the electric motor for opening/closing the garage door (movable barrier), and a controller for energizing the electric motor; and

a backup battery circuit 10 for the garage door operating system 20 (column 3, lines 19-25); wherein the backup battery circuit 10 further comprising:

a battery 12 and a voltage sensor 68 for sensing battery voltage.

Furst fails to teach a telephone line interface for automatically dialing a predetermined telephone number, and playing a pre-stored voice message.

However, Mercadante discloses a battery backup system (figure 1) with a battery charging circuitry 20, battery sensing circuitries (RY1-RY3), and an auto dialer for notifying a remote operator in case loss of primary power source or batter voltage drops below a predetermined level (column 6, lines 41-45).

In addition, Heald discloses a power monitoring system 22, controlled by processor 68, in figures 2-7. Heald teaches monitoring power voltage (monitor 50 in figure 2; column 6, lines 53-68; column 7, lines 1-2; column 12, lines 62-67), and an

telephone line interface and auto dialer (modem 84) for out dialing a predetermined telephone number and playing a pre-recorded alert message, stored in memory 82, in case a fault is detected (column 6, lines 67-68; column 7, lines 1-2; column 7, lines 64-68; column 8, lines 17-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Furst's reference with the teachings of Mercadante and Heald, so that an auto dialer, controlled by a processor, would have out dialed a predetermined telephone number, played an alert voice message stored in a memory in case battery's voltage dropped below a predetermined level, because such a modification would have enabled the modified Furst's system to alert a user by phone in case the voltage of the backup battery dropped below a predetermined level which required user's attention.

3.2 Regarding claim 14, as discussed in claim 13, the Furst' reference, modified by Mercadante and Heald, teaches a processor for detecting voltage drops in the back up battery, dialing a telephone number and playing a pre-stored alert message to a user.

3.3 Regarding claim 15, as discussed in claim 13, the alert message is pre-recorded in a non-volatile memory (either a ROM or battery backup RAM) (column 11, lines 23-41).

3.4 Regarding claim 18, The Furst's reference, modified by Mercadante and Heald, teaches storing a telephone number in a memory. Heald further teaches that the processor 68 and non-volatile memory (ROM) (column 10, lines 17-26, 43-47).

3.5 Regarding claim 21, The Furst's reference, modified by Mercadante and Heald, teaches monitoring battery voltage. Heald further teaches a voltage divider connected to the processor 68 (column 18, lines 24-38).

3.6 Regarding claims 22-24, The Furst's reference, modified by Mercadante and Heald, teaches storing a telephone number in a memory. Heald further teaches charging a battery with different voltage and current (2column 21, lines 52-68; column 22, lines 1-9).

3.7 Regarding claim 31, Furst discloses a method for backing up an garage door operating system, using household AV power as a primary power source, with battery power in figure 1. Furst teaches:

an garage door operating system 20 (column 1, lines 17-27) which inherently includes an electric motor for opening/closing the garage door, a transmission connected to the electric motor for opening/closing the garage door (movable barrier), and a controller for energizing the electric motor; and

a backup battery circuit 10 for the garage door operating system 20 (column 3, lines 19-25); wherein the backup battery circuit 10 further comprising:

a battery 12 and a voltage sensor 68 for monitoring battery voltage.

Furst fails to teach initializing a telephone line interface, dialing a pre-stored telephone number, and transmitting a voice message.

However, Mercadante discloses a battery backup system (figure 1) with a battery charging circuitry 20, battery sensing circuitries (RY1-RY3), and an auto dialer for notifying a remote operator in case loss of primary power source or batter voltage drops below a predetermined level (column 6, lines 41-45).

In addition, Heald discloses a power monitoring system 22, controlled by processor 68, in figures 2-7. Heald teaches monitoring power voltage (monitor 50 in figure 2; column 6, lines 53-68; column 7, lines 1-2; column 12, lines 62-67), and an auto dialer (modem 84) for out dialing a predetermined telephone number and playing a pre-recorded alert message, stored in memory 82, in case a fault is detected (column 6, lines 67-68; column 7, lines 1-2; column 7, lines 64-68; column 8, lines 17-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Furst's reference with the teachings of Mercadante and Heald, so that an auto dialer, controlled by a processor, would have out dialed a predetermined telephone number, transmitted an alert voice message stored in a memory in case battery's voltage dropped below a predetermined level, because such a modification would have enabled the modified Furst's system to alert a user by phone in case the voltage of the backup battery dropped below a predetermined level which required user's attention.

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3.8 Regarding claim 32, Furst teaches a battery charger 16 in figure 1 (column 3, lines 62-65).

4. Claims 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Mercadante et al. US 5,889,465 and further in view of Heald et al. US 5,272,382 and further in view of Afshar et al. US 5,313,516.

4.1 Regarding claims 16 and 17, the Furst's reference, modified by Mercadante and Heald, teaches recording a voice message, but fails to teach using a microphone for recording and a speaker for playing back a recorded message.

However, Afshar discloses a telephone answering device with a processor 10 in figure 1. Afshar teaches using microphone 19 for recording a message, and speaker 26 for playing a recorded message (column 4, lines 1-4, 20-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Furst's reference, which was modified by Mercadante and Heald, with the teaching of Afshar, so that a microphone and a speaker would have been included, because such a modification would have clarified of through which a voice messages was recorded and edited (re-recording if not satisfied after playback).

4.2 Regarding claims 19 and 20, the Furst's reference, modified by Mercadante and Heald, teaches recording a voice message, but fails to teach using a keypad to enter the telephone number.

However, Afshar discloses a telephone answering device (TAD) with a processor 10 in figure 1. Afshar teaches storing a voice message and forwarding said voice message to a telephone number stored in a memory (column 5, lines 47-52, 67-78; column 6, lines 1-15), and using keypad 28 for manual operation of the TAD, which inherently including entering a telephone number (column 4, lines 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Furst's reference, which was modified by Mercadante and Heald, with the teaching of Afshar, so that a keypad would have been included, because such a modification would have clarified of through which a telephone number was recorded.

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Reynolds US 4,382,221.

5.1 Regarding claim 25, Furst discloses backup battery power to a garage door operating system in figure 1, comprising:

an garage door operating system 20 (column 1, lines 17-27) which inherently includes an electric motor for opening/closing the garage door, a transmission

connected to the electric motor for opening/closing the garage door (movable barrier), and a controller for energizing the electric motor; and

a backup battery circuit 10 for the garage door operating system 20 (column 3, lines 19-25); wherein the backup battery circuit 10 further comprising:

a battery 12 (column 3, lines 19-25);

a charger 16 for charging battery 12 (column 3, lines 62-65); and

a voltage sensor 68 for sensing battery voltage (column 6, lines 24-28).

Furst fails to teach that the charger comprising a charging circuit with variable current and two charging voltages.

However, Reynolds discloses a battery charger for charging batteries for backup batteries to provide emergency power supply, for example, operating an elevator and opening the elevator's door (column 1, lines 13-19). Reynolds teaches charging batteries with variable currents and two charging voltages, depends on the battery temperature (column 10, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Furst's reference with the teaching of Reynolds, so that the charge 16 would have had two charging voltages with variable charging currents, because such a modification would have provided a rapid but safe charger for battery 12.

5.1 Regarding claim 26, the Furst's reference, modified by Reynolds, teaches charging batteries with variable voltages and currents. Reynolds further teaches a

comparator (figure 4, Pin 6 of IC 135) for comparing a voltage corresponding to a charging current (column 9, lines 38-58) and a voltage regulator 135 that applies charging voltage to a battery based on the comparator's output (column 9, lines 38-58).

5.2 Regarding claim 27, the Furst's reference, modified by Reynolds, teaches charging batteries with variable voltages and currents based on temperature of the battery as discussed in claim 25.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald et al. US 5,272,382 in view of Johnstone US 4,390,953.

Heald teaches out dialing a telephone number and playing an alert message to an operator, but fails to teach redial the telephone number if the operator was not available in the previous call.

However, Johnstone discloses a unmanned diagnostic communications system in figure 1. Johnstone teaches an auto dialer for transmitting (dialing) a telephone number and redial this telephone number after a time out (count) (column 5, lines 5-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Heald's reference with the teaching of Johnstone, so that the processor 68 would have been programmed to redial a telephone number after and predetermined time period in case previous call was not answered, because such a modification would have enabled Heald's system to contact an operator via multiple tries.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald et al. US 5,272,382 in view of Sandelman et al. US 6,211,782.

Heald teaches out dialing a telephone number and transmitting an alert message, which can be in-band (data message) or out-of-band (voice message) through modem 84 to an operator (column 7, lines 64-68; column 8, lines 1-28, but fails to teach transmitting a fax message.

However, Sandelman discloses an electronic message delivery system in figure 1. Sandelman teaches an electronic message delivery server 1 for monitoring various equipment 2-5, and sending a fax or e-mail message to a contractor (for service) when malfunction occurs in the equipment (column 5, lines 11-36; column 3, lines 41-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Heald's reference with the teaching of Sandelman, so that the processor 68 would have been programmed to send a fax message to an operator, because sending a voice message, a data message or a fax message would have been a design choice based on the preference of the operator.

8. Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Mercadante et al. US 5,889,465 and further in view of Heald et al. US 5,272,382 and further in view of Johnstone US 4,390,953.

The Furst reference, modified by Mercadante and Heald, teaches out dialing a telephone number and playing an alert message to an operator, but fails to teach redial the telephone number if the operator was not available in the previous call.

However, Johnstone discloses a unmanned diagnostic communications system in figure 1. Johnstone teaches an auto dialer for transmitting (dialing) a telephone number and redial this telephone number after a time out (count) (column 5, lines 5-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Furst's reference, which was modified by Mercadante and Heald, with the teaching of Johnstone, so that the auto dialer would have been programmed to redial a telephone number after and predetermined time period in case previous call was not answered, because such a modification would have enabled Heald's system to contact an operator via multiple tries.

9. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Mercadante et al. US 5,889,465 and further in view of Heald et al. US 5,272,382 and further in view of Sandelman et al. US 6,211,782.

The Furst reference, modified by Mercadante and Heald, teaches out dialing a telephone number and playing an alert message to an operator, but fails to teach transmitting a fax message.

However, Sandelman discloses an electronic message delivery system in figure 1. Sandelman teaches an electronic message delivery server 1 for monitoring varies

equipment 2-5, and sending a fax or e-mail message to a contractor (for service) when malfunction occurs in the equipment (column 5, lines 11-36; column 3, lines 41-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Furst's reference, which was modified by Mercadante and Heald, with the teaching of Sandelman, so that the auto dialer would have been programmed to send a fax message to an operator, because sending a voice message, a data message or a fax message would have been a design choice based on the preference of the operator.

10. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst US 5,844,328 in view of Mercadante et al. US 5,889,465 and further in view of Sandelman et al. US 6,211,782.

10.1 Regarding claim 35, Furst discloses backup battery power to a garage door operating system in figure 1, comprising:

an garage door operating system 20 (column 1, lines 17-27) which inherently includes an electric motor for opening/closing the garage door, a transmission connected to the electric motor for opening/closing the garage door (movable barrier), and a controller for energizing the electric motor; and

a backup battery circuit 10 for the garage door operating system 20 (column 3, lines 19-25); wherein the backup battery circuit 10 further comprising:

a battery 12 and a voltage sensor 68 for sensing battery voltage.

Furst fails to teach an auto dialer for sending out an message via Internet.

However, Mercadante discloses a battery backup system (figure 1) with a battery charging circuitry 20, battery sensing circuitries (RY1-RY3), and an auto dialer for notifying a remote operator in case loss of primary power source or batter voltage drops below a predetermined level (column 6, lines 41-45).

In addition, Sandelman discloses an electronic message delivery system in figure 1. Sandelman teaches an electronic message delivery server 1 for monitoring varies equipment 2-5, and sending an e-mail to a contractor (for service) when malfunction occurs in the equipment (column 5, lines 11-36; column 3, lines 41-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Furst's reference with the teaching of Mercadante and Sandelman, so that an auto dialer would have been included and programmed to send an e-mail message to an operator, because such a modification would have enabled the modified Furst's system to alert a user by e-mail in case the voltage of the backup battery dropped below a predetermined level which required user's attention.

10.2 Regarding claim 36, as discussed in claim 35, the auto dialer sends out an e-mail message when the voltage of the backup battery falls below a predetermined level.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paterno US 6,070,361 discloses an electric garage door operating ssytem.

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

ALLAN HOOSAIN
PRIMARY EXAMINER
for
Fan Tsang


S.S.

04/01/2004